



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

TJR  
Docket No: 4200-00  
14 December 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 December 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 15 March 1961 at the age of 17. Your record reflects that on 17 October 1961 you were convicted by special court-martial (SPCM) of a 31 day period of unauthorized absence (UA). You were sentenced to confinement at hard labor for two months, forfeitures totalling \$165, and reduction to paygrade E-1. A year later, on 25 October 1962, you were convicted by summary court-martial (SCM) of unspecified conduct prejudicial to good order and discipline. You were sentenced to restriction for 30 days, hard labor for 20 days, forfeitures totalling \$40, and reduction to paygrade E-1.

Your record also reflects that on 19 March 1963 you received nonjudicial punishment (NJP) for a five day period of UA and were awarded correctional custody for seven days and a \$15 forfeiture of pay. Shortly thereafter, in June 1963, you were convicted by civil authorities of petty larceny and were sentenced to a \$300 bail, which you failed to pay. On 6 September 1963 you were again convicted by civil authorities of petty larceny and sentenced to confinement for 10 days. A month later, on 8 October 1963, you were convicted by SPCM of two periods of UA

totalling 68 days. You were sentenced to confinement at hard labor for four months, reduction to paygrade E-1, and a \$280 forfeiture of pay.

On 31 August 1964 you received NJP for absence from your appointed place of duty and were awarded restriction and extra duty for two weeks and a \$15 forfeiture of pay. On 14 December 1964 you were convicted by SPCM of a three day period of UA. You were sentenced to confinement at hard labor for three months, a \$210 forfeiture of pay, and reduction to paygrade E-1.

Your record further reflects that on 10 April 1965 you received NJP for a day of UA and were awarded extra duty for 14 days and restriction for 45 days. In July 1965 you were convicted by civil authorities of drunk driving. You were sentenced to a \$175 fine and a suspended license for a year. On 6 December 1965 you were convicted by SPCM of two periods of UA totalling 52 days. You were sentenced to confinement at hard labor for four months, forfeiture totalling \$220, and a bad conduct discharge (BCD). However, the BCD was suspended for three months.

On 6 June 1966 you were convicted by SPCM of a 28 day period of UA. You were sentenced to confinement at hard labor for six months, a \$420 forfeiture of pay, and a BCD. You later submitted a written request for immediate execution of the BCD. Your request noted, in part, as follows:

I request my time of confinement be cut because I have been confined four months already. I am not doing myself or my family any good by being confined any longer. I feel I have paid for what I have done.

Subsequently, the BCD was approved at all levels of review and ordered executed. On 19 October 1966 you received a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct, character reference letter, and your contention that the UAs and the BCD resulted from a drinking problem, which has long been corrected. However, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge given the serious nature of your misconduct in both the military and civilian communities, and your frequent and lengthy periods of UA. Further, the Board noted that there is no evidence in your record, and you submitted none, to support your contention. Even if true, however, an alcohol problem does not excuse misconduct and an individual is responsible for his actions. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director